



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION II  
290 BROADWAY  
NEW YORK, NEW YORK 10007-1866

March 5, 2014

**BY ELECTRONIC MAIL & U.S. MAIL**

William H. Hyatt, Jr., Esq.  
K&L Gates LLP  
One Newark Center, Tenth Floor  
Newark, NJ 07102-5285

Re: Notice of Dispute Resolution Pursuant to Dispute Resolution Provisions of  
Administrative Settlement Agreement and Order on Consent for Remedial Investigation  
and Feasibility Study, US. EPA Region 2 CERCLA Docket No. 02-2007-2009

Dear Mr. Hyatt:

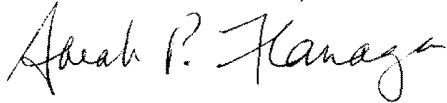
This is to follow up on my letter dated December 16, 2013, responding to yours dated December 11, 2013 in which you invoked dispute resolution under the above-referenced Administrative Settlement Agreement and Order on Consent for Remedial Investigation and Feasibility Study, with respect to EPA's November 27, 2013 letter notifying the Cooperating Parties Group ("CPG") that the Carp Harvest Pilot study Addendum to the Quality Assurance Project Plan would not be approved by EPA.

In the December 16, 2013 letter, EPA invited the CPG to schedule a meeting to discuss the carp study at greater length. While we did not receive a response to this invitation, as such, I understand that the carp study was discussed on January 29, 2014, at the transition meeting to introduce the CPG technical team to Jennifer LaPoma, the Remedial Project Manager who will be handling the Lower Passaic River Study Area remedial investigation and feasibility study while Stephanie Vaughn is on leave.

It is our understanding that the CPG technical team tentatively agreed to submit a more detailed description of the carp management program, including both the electrofishing study and the pilot fish exchange. Could you please confirm that this is what the CPG intends, and let us know when EPA should expect to receive your submission? If not, please advise how you would like to proceed.

We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah P. Flanagan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sarah P. Flanagan  
Assistant Regional Counsel

cc: R. Basso, ERRD  
J. LaPoma, ERRD  
S. Vaughn, ERRD  
P. Hick, ORC